IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3854 OF 2006
IN
SUIT NO.3071 OF 2006

Vijaysinh Dhirajlal Sampat & Ors. ...Plaintiffs
V/s.
Bipinchandra Dhirajlal Sampat & Anr. ...Defendants

Mr.D.J. Lulia a/w. Mr.P.V. Hingorani, Advocates, for the Plaintiffs.

Mr.V.E. Pereira, Advocate, for Defendant Nos.1 & 2.

CORAM : S.J. VAZIFDAR, J.

DATE : 4TH SEPTEMBER, 2007.

P.C. :

1. The parties have agreed that the Motion be disposed of by the following order :-

2. The Defendants shall put the Plaintiffs in possession of Room No.13 on or before 15-10-2007. The Defendants further state that they will not claim any tenancy in respect of Room No.13 in preference to the Plaintiffs and shall execute all documents, deeds and writings and do all things necessary for confirming the Plaintiff’s tenancy rights therein.

3. Similarly, the Plaintiffs agree that they will not claim any tenancy rights in preference to the

Defendants in respect of Room No.19 and shall execute all documents, deeds and writings and do all things necessary for confirming the Defendants tenancy rights therein.

4. The parties agree that the Gujarat property be sold and that they will share the sale proceeds thereof equally. They have agreed that the sale proceeds be shared during the pendancy of the suit equally. They state that they will arrange the sale of the said property by consent. Liberty to them to apply in the event of there being any difficulty in that regard.

5. The Notice of Motion is made absolute in terms of prayer (f). The same shall be complied with within eight weeks from today.

6. A sum of Rs.40,000/- shall be paid by the Defendants to the Plaintiffs within eight weeks from today. The said sum represents 50% of the amounts of the fixed deposits and other securities of the deceased parents encashed by Defendant No.1. The quantum is disputed by the Plaintiffs.

7. The amounts to be paid pursuant to sale of the property in Gujarat and the said amount of Rs.40,000/- shall be on account and shall be subject to final orders in the Suit.